

IMPLEMENTING ARRANGEMENT
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF
AMERICA
AND
THE STATE BORDER SERVICE OF THE REPUBLIC OF
AZERBAIJAN
FOR COOPERATION IN THE PREVENTION OF ILLICIT
TRAFFICKING IN NUCLEAR AND OTHER RADIOACTIVE
MATERIAL

The Department of Energy of the United States of America (DOE), as an implementing agent of the Department of Defense of the United States of America under the Agreement between the Department of Defense of the United States of America and the Cabinet of Ministers of the Republic of Azerbaijan Concerning Cooperation in Preventing the Proliferation of Weapons of Mass Destruction of January 2, 2004, as amended (hereinafter the "WMD-PPI Implementing Agreement"), and the State Border Service of the Republic of Azerbaijan (SBS), as the implementing agent of the Cabinet of Ministers of the Republic of Azerbaijan under the WMD-PPI Implementing Agreement, hereinafter collectively referred to as the "Parties";

Acting pursuant to Article IV of the WMD-PPI Implementing Agreement;
and

Desiring to cooperate to prevent illicit trafficking in nuclear and other radioactive material through technical and methodological cooperation, including the installation or improvement of technical systems for the detection and identification of these materials at Azerbaijan border crossing points;

Have agreed as follows:

Article 1

1. This Implementing Arrangement and all activities undertaken in accordance with this Implementing Arrangement shall be subject to

and governed by the provisions of the WMD-PPI Implementing Agreement, which is subject to and governed by the Agreement between the Government of the United States of America and the Government of the Republic of Azerbaijan Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction and Defense Activities of September 28, 1999 (the "Umbrella Agreement"). In the event of any inconsistency between this Implementing Arrangement on the one hand, and the WMD-PPI Implementing Agreement and the Umbrella Agreement on the other hand, the provisions of the latter shall prevail.

2. In order to assist the Republic of Azerbaijan in preventing the proliferation of nuclear weapons and exercising effective control over the movement of special nuclear material and other radioactive material through improved detection and identification systems at Azerbaijan's border crossing points, the DOE, through its National Nuclear Security Administration, may provide assistance to the SBS in the form of equipment, supplies and materials, as well as training and services, in accordance with the terms of this Implementing Arrangement.
3. The SBS shall use the equipment, supplies and materials received, and the training and services provided in accordance with this Implementing Arrangement, only to implement measures to detect and identify special nuclear material and other radioactive material for the purposes of preventing proliferation of nuclear weapons, exercising control over the movement of special nuclear material and other radioactive material, and preventing illicit trafficking in special nuclear material and other radioactive material, as specified in paragraph 2 of this Article.
4. For purposes of this Implementing Arrangement, "special nuclear material" means plutonium, and uranium enriched to levels of 20% or higher in the isotope U-235. "Other radioactive material" includes radiological dispersal devices and radioactive material, including but not limited to radioactive sources, suitable for use therein.

Article 2

1. Each Party may, following written notification to the other Party, ~~delegate responsibilities for the implementation of this Implementing Arrangement~~ to other government agencies, departments or units of its respective government.
2. Each Party may, following written notification to the other Party, designate technical liaison representatives for equipment, materials, training and services provided pursuant to this Implementing Arrangement.

Article 3

1. Assistance rendered to the SBS in the provision of equipment, supplies and materials, and in the conduct of training or rendering of services pursuant to this Implementing Arrangement, may include consultations and technical aid in the following areas:
 - a. Development of technical means and methods of detection and identification of special nuclear material and other radioactive material, and response procedures and capabilities;
 - b. Delivery and installation, at Azerbaijan border crossing points mutually identified by the Parties, of equipment adapted as appropriate for conditions at border control posts and other selected locations in the Republic of Azerbaijan (including testing, setup, and demonstration of the equipment);
 - c. Delivery of spare parts kits, test equipment and other maintenance equipment to maintain the DOE-provided equipment;
 - d. Support for maintenance of the equipment provided by DOE, as set forth in a maintenance and sustainability plan mutually agreed by the Parties;

- e. Training of Republic of Azerbaijan border guards and personnel of customs bodies in detection of special nuclear material and other radioactive material, and in the proper operation of the equipment provided by DOE; and
 - f. Additional areas of cooperation as agreed by the Parties in writing.
2. The Parties may conduct technical workshops, consultations, site surveys, verification inspections, and acceptance testing of materials and installed equipment. By agreement of the Parties, joint working groups of technical experts may be formed to exchange technical information and to make proposals on technical and training matters related to the effective implementation of this Implementing Arrangement.
 3. The SBS shall furnish the DOE, in a format and according to a schedule mutually agreed by the Parties, data on detections or seizures of special nuclear material and of other radioactive material made as a result of the use of the DOE-supplied equipment, supplies and materials.
 4. The terms and conditions under which assistance may be provided under this Implementing Arrangement will be defined by separate contracts or other written arrangements between the Parties or their designated implementing agents. In case of any inconsistency between these contracts or arrangements and this Implementing Arrangement, the provisions of this Implementing Arrangement shall prevail.

Article 4

1. The SBS or its designated implementing agents shall coordinate with other appropriate Republic of Azerbaijan government ministries, agencies and organizations to ensure that equipment, materials, services and training provided under this Implementing Arrangement are afforded priority processing to allow prompt engineering approvals, and equipment and materials deliveries to their ultimate destination within the Republic of Azerbaijan.

2. The SBS or its designated implementing agents shall coordinate with the appropriate Republic of Azerbaijan government ministries, agencies and organizations to ensure that appropriate security measures are provided to protect United States Government personnel and contractors at those facilities associated with work under this Implementing Arrangement, and to protect against theft or destruction of equipment, supplies and materials provided by DOE under this Implementing Arrangement.

Article 5

The SBS shall facilitate the inspection, by appropriate Republic of Azerbaijan government ministries, agencies, and organizations, of all equipment, supplies and materials received under this Implementing Arrangement, and submit to the DOE, within 10 days, written confirmation of the acceptability of such equipment, supplies and materials, and that they conform to the specifications made available in advance to the SBS. The SBS shall also confirm the arrival of such equipment, supplies and materials at their agreed destinations. The terms and conditions for repair or replacement of non-conforming equipment or materials will be set forth in the contract(s) under which equipment and materials are provided under this Implementing Arrangement.

Article 6

In addition to the audit and examination rights set forth in Article XIII of the Umbrella Agreement, DOE representatives shall have the right to monitor the implementation of terms of contracts and other written arrangements, at facilities at which work under this Implementing Arrangement or such contracts or other written arrangements is conducted within the territory of the Republic of Azerbaijan.

Article 7

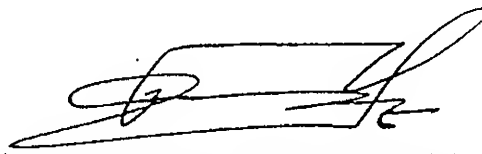
1. This Implementing Arrangement shall enter into force upon signature and (subject to paragraph 3 of this Article) shall remain in force so long as the WMD-PPI Implementing Agreement remains in force.

2. This Implementing Arrangement may be amended by written agreement of the Parties.
3. This Implementing Arrangement may be terminated by either Party upon written notification to the other Party 90 days prior to its intention to do so.
4. Ongoing activities not completed at the termination of this Implementing Arrangement may continue to completion under the terms of this Implementing Arrangement.

DONE at Baku this 8 day of December, 2005, in duplicate in the English and Azerbaijani languages, both texts being equally authentic.



FOR THE DEPARTMENT OF
ENERGY OF THE
UNITED STATES OF AMERICA:



FOR THE STATE BORDER SERVICE
OF THE REPUBLIC OF
AZERBAIJAN:

I certify this to be a true
copy of the original Implementing
Arrangement between the Depart-
ment of Energy of the United
States of America and the State
Border Service of the Republic
of Azerbaijan signed at Baku
on 8 December 2005.

